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Paper No. 9

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APR 04 2002

OFFICE OF PETITIONS

In re Application of	:
James F. Zeich et al	:
Application No. 09/772,785	: DECISION GRANTING PETITION
Filed: January 30, 2001	: UNDER 37 CFR 1.137(f)
Attorney Docket No. 60680-491	:

This is a decision on the petition filed March 19, 2002, to revive the instant nonprovisional application under the unintentional provisions of 37 CFR 1.137(f).

The petition is granted.

This application became abandoned pursuant to 35 USC 122(b)(2)(B)(iii) for failure to timely notify the Office of the filing of an application in a foreign country, or under a multilateral international agreement, that requires publication of applications 18 months after filing.

A petition under 37 CFR 1.137(f) must be accompanied by: (1) the reply which is met by the notification of such filing in a foreign country or under a multinational treaty;¹ (2) the petition fee as set forth in 37 CFR 1.17(m); and (3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional.

The instant petition has been found in compliance with 37 CFR 1.137(f). Accordingly, the failure to timely notify the Office of a foreign or international filing within 45 days as provided by 35 USC 122(b)(2)(B)(iii) is accepted as having been unintentionally delayed.

¹ The filing of a petition under this section will not relieve applicant of his obligation to reply to any outstanding Office action.

The Nonpublication Request Under 35 SC122(b)(2)(B)(ii) has been rescinded. A Corrected Filing Receipt which sets forth the projected publication date of July 11, 2002, accompanies this decision on petition.

This application is being forwarded to Technology Center AU 3619 for appropriate action on the amendment received March 11, 2002 in response to the November 29, 2001 nonfinal Office action.

Any inquiries concerning this decision may be directed to the undersigned at (703) 305-8680.



Frances Hicks

Petitions Examiner

Office of Petitions

Office of the Deputy Commissioner
for Patent Examination Policy

ATTACHMENT: Corrected Filing Receipt